

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

358H0670

CONFERENCE COMMITTEE ENGROSSED NO. **HB** **1283** - 02/22/2002

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Eccarius and Michels and Senators Daugaard, Diedrich (Larry), and Everist

1 FOR AN ACT ENTITLED, An Act to define certain serious injuries to infants as aggravated
2 assault and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under
7 circumstances manifesting extreme indifference to the value of human life;

8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous
9 weapon;

10 (3) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer
11 or other public officer engaged in the performance of the officer's duties;

12 (4) Assaults another with intent to commit bodily injury which results in serious bodily
13 injury;



1 (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent
2 serious bodily harm; ~~or~~

3 (6) Is a convicted person under the jurisdiction of the Department of Corrections and
4 attempts to cause, or knowingly causes bodily injury to a Department of Corrections
5 employee, or authorized visitor, volunteer, or person under contract assigned to the
6 Department of Corrections; or

7 (7) Intentionally or recklessly causes serious bodily injury to an infant, less than three
8 years old, by causing any intracranial or intraocular bleeding, or swelling of or damage
9 to the brain, whether caused by blows, shaking, or causing the infant's head to impact
10 with an object or surface;

11 is guilty of aggravated assault. Aggravated assault is a Class 3 felony. However, a violation of
12 subdivision (7) is a Class 2 felony. A second or subsequent violation of subdivision (7) is a Class
13 1 felony.